

### **REMARKS**

This is in response to the Office Action dated May 9, 2006. Claims 1-9, 11, 12, 14-16, 18-23, 25, 26 and 35-39 are pending herein.

Claims 1-9, 11, 12, 14-16, 18-23, 25, 26 and 35-39 stand rejected under 35 U.S.C. Section 112, first paragraph. In particular, the Office Action contends that 0% cerium oxide is not supported by the specification as originally filed. This Section 112 rejection is respectfully traversed for at least the following reasons.

*First*, paragraph [0022] of the originally filed specification states that other oxidizing agents may be used “*instead of cerium oxide* in certain example embodiments of this invention.” The word “instead” is defined in the American Heritage Dictionary, Office Edition 1994, as “in the place of that previously mentioned.” Thus, it is clear that paragraph [0022] indicates that other oxidizing agents may be used in place of cerium oxide, which would of course mean that no cerium oxide would be present in such embodiments. Accordingly, paragraph [0022] of the instant specification clearly describes that cerium oxide is not present in certain example embodiments of the invention, thereby supporting 0% cerium oxide. It is also noted that originally filed independent claim 1 did not require or even mention cerium oxide thereby emphasizing that it is not required. For this first reason, it is respectfully requested that the Section 112 rejection be withdrawn.

Second, the parent application (now US 6,610,622), which is *incorporated by reference* into the instant application, also supports 0% cerium oxide. For example, at col. 1, lines 58-63, the parent states that “[w]hile cerium oxide is preferred in many embodiments, its presence is not a requirement . . . the cerium oxide in the glass batch may be either replaced or supplemented by . . . .” See also the Abstract of the parent. Furthermore, Table 6 in the parent mentions 0%

cerium oxide. Still further, Example 11 in the parent uses 0% cerium oxide. This is yet another teaching in the instant specification that supports 0% cerium oxide.

Third, it is noted that unlike materials such as Fe and Cr which are often present in trace amounts in certain glass-making materials, cerium oxide is not. Cerium oxide is not a material which is naturally found in trace amounts in glass-making materials. Thus, it will be appreciated that cerium oxide is not inherently present in any glass.

For these reasons, it is respectfully submitted that 0% cerium oxide is supported by the application as filed and as found by the Examiner in 10/336,859. Thus, it is respectfully requested that the Section 112 rejection be withdrawn.

It is noted that if the Examiner should desire that the specification be amended as in 10/336,859 (allowed August 3, 2006), the applicant would be glad to do so. The Examiner is authorized to make a similar amendment in this case via Examiner's amendment, or alternatively to telephone the undersigned to take care of the same should that be deemed more convenient for the Examiner.

There are no art rejections.

All claims are now in condition for allowance.

LANDA et al.  
Appl. No. 10/667,975  
August 7, 2006

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

Joseph A. Rhoa  
Reg. No. 37,515

JAR:caj  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100